

## § 929.50

## 7 CFR Ch. IX (1–1–05 Edition)

have remaining unused allotment pursuant to paragraph (f) of this section are “deficient” and shall so notify the committee. The committee shall equitably distribute unused allotment to all handlers having excess cranberries.

(h) The committee may establish, with the approval of the Secretary, rules and regulations necessary for the implementation and operation of this section.

[33 FR 11641, Aug. 16, 1968, as amended at 57 FR 38749, Aug. 27, 1992]

EFFECTIVE DATE NOTE: At 65 FR 42614, July 11, 2000, in § 929.49(d), the phrase “On or before June 1”, and in § 929.49(e), the phrase “On or before June 1 of any year in which an allotment percentage is established by the Secretary” were suspended indefinitely.

### § 929.50 Transfers.

(a) Transfers to another grower. A grower who owns cranberry acreage on which a sales history has been established may transfer the acreage and sales history to another grower. When transfers of acreage occur, transfers of sales history will be made under the following conditions:

(1) A lease agreement between the owner of the cranberry producing acreage and a lessee: Terms of such lease agreement shall be filed with the committee prior to the committee recognizing such transfer. The lease agreement filed with the committee shall include the following information:

- (i) Name of owner and lessee;
- (ii) Starting and ending dates of the lease;
- (iii) Amount of acreage transferred; and
- (iv) The amount of sales history transferred.

(2) Total sale of cranberry acreage. When there is a sale of a grower’s total cranberry producing acreage, the seller and buyer shall file a completed transfer form with the committee and the buyer will have immediate access to the sales history computation process.

(3) Partial sale or lease of cranberry acreage. When less than the total cranberry producing acreage is sold or leased, sales history associated with the portion of the acreage being sold or leased shall be transferred with the acreage. The seller and lessor shall provide the committee with a completed

transfer or lease form outlining such distribution of acreage and sales history between the parties. Such transfer or lease form shall include that percentage of the sales history, as defined in § 929.48(a)(1), attributable to the acreage being transferred or leased.

(4) No transfer shall be recognized by the committee unless the transferee and transferor notify the committee in writing: *Provided That*, if unusual circumstances exist, the Committee may recognize a transfer when only one form from the transferee or transferor is filed with the committee.

(5) In a year of nonregulation, in the absence of any sales history associated with the cranberry acreage being transferred or leased, the committee shall determine the buyer’s or lessee’s sales history pursuant to § 929.48 of the order.

(6) During a year when a volume regulation has been established, no transfer or lease of cranberry producing acreage, without accompanying sales history, shall be recognized until the committee is in receipt of a completed transfer or lease form.

(b) The committee may establish, with the approval of the Secretary, rules and regulations, as needed, for the implementation and operation of this section.

[57 FR 38749, Aug. 27, 1992]

### § 929.51 Recommendations for regulation.

(a) Whenever the committee deems it advisable to regulate the handling of cranberries in the manner provided in § 929.52, it shall so recommend to the Secretary.

(b) In arriving at its recommendations for regulation pursuant to paragraph (a) of this section, the committee shall give consideration to current information with respect to the factors affecting the supply of and demand for cranberries during the period or periods when it is proposed that such regulation should be made effective. With each such recommendation for regulation, the committee shall submit to the Secretary the data and information on which such recommendation is predicated and such other available information as the Secretary may request.